

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JASON JORDAN

v.

TYSON FOODS, INC., et al.

)

)

) NO. 3:05-0513

) JUDGE CAMPBELL

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 69), Objections filed by the Plaintiff (Docket No. 75), and Defendants' Motion for Attorneys' Fees and Costs (Docket No. 70).

The Court has reviewed the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved. Accordingly, Plaintiff's Motion for Judgment on the Administrative Record (Docket No. 37) is DENIED and Defendants' Cross Motion for Judgment on the Merits (Docket No. 47) is GRANTED.

In its discretion, the Court finds that Defendants' Motion for Attorneys' Fees and Costs (Docket No. 70) is DENIED. 29 U.S.C. § 1132(g)(1); Secretary of Labor v. King, 775 F.2d 666, 669 (6th Cir. 1985).

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.



TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE